

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Patterson,)	
)	
	Plaintiff,)
)	Civil Action No. 2:22-3183-BHH
v.)	
)	
Bryan Stirling, Charles Williams, John)	<u>OPINION AND ORDER</u>
Palmer, Amy Enloe,)	
)	
Defendants.)	
)	

This matter is before the Court upon Plaintiff Michael Patterson’s (“Plaintiff”) motion to remand (ECF No. 12) and Defendants Bryan Stirling, Charles Williams, John Palmer, and Amy Enloe’s (collectively, “Defendants”) motion to dismiss (ECF No. 9). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), the matter was referred to a United States Magistrate Judge for pretrial proceedings. On November 9, 2022, Magistrate Judge Mary Gordon Baker issued a Report and Recommendation (“Report”) recommending that Plaintiff’s motion to remand (ECF No. 12) be denied, and Defendants’ motion to dismiss (ECF No. 9) be granted in part and denied in part.

Attached to the Magistrate Judge’s Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. An extension was granted giving Plaintiff until December 28, 2022 to file objections (ECF No. 30), but no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's recommended disposition of Plaintiff's motion to remand (ECF No. 12) and Defendants' motion to dismiss (ECF No. 9).

Accordingly, the Court adopts and incorporates the Magistrate Judge's Report (ECF No. 17). The Court partially grants Defendants' motion to dismiss (ECF No. 9) and dismisses Plaintiff's claims against Defendant Stirling under 42 U.S.C. § 1983 and state law, as well as his § 1983 claim against Defendant Enloe for deliberate indifference to his conditions of confinement. Defendants' motion to dismiss is denied as to Plaintiff's § 1983 claims for deliberate indifference to a serious medical need and deliberate indifference to conditions of confinement against Defendants Palmer and Williams, and as to his claims against Defendants Enloe, Williams, and Palmer under South Carolina law. Plaintiff's motion to remand (ECF No. 12) is denied.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

January 11, 2023
Charleston, South Carolina